

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

GLORIA DE JESUS–RIVERA,

Plaintiff,

v.

ABBOTT LABORATORIES; ABBOTT
LABORATORIES PUERTO RICO, INC.,

Defendants.

Civil No. 10-1144 (JAF)

ORDER

Plaintiff sues under Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e to e-17, alleging discrimination on the basis of sex and retaliation for her opposition to that discrimination. (Docket No. 1.) Defendant Abbott Laboratories (“Movant”) moves to dismiss under Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process (Docket No. 9), and Plaintiff opposes (Docket No. 16).

Movant claims that Plaintiff served it via an employee of codefendant Abbott Laboratories Puerto Rico, Inc. (“ALPR”), whom Movant claims is not authorized to receive service on its behalf, and that Plaintiff, therefore, failed to perfect service as required by Federal Rule of Civil Procedure 4(h). (Docket No. 9.) Plaintiff responds that (1) Movant’s acceptance of this very service in other cases precludes its argument in this case; and (2) Movant and ALPR should be treated as one entity for the purpose of service of process. (Docket No. 16.) Plaintiff cites no legal authority to support these assertions. (Id.) She also states that she is amenable to perfecting service in accordance with Rule 4(h). (Id. at 1.)

s/José Antonio Fusté
JOSE ANTONIO FUSTE
Chief U.S. District Judge